

REMARKS

Upon entry of the present amendment, claims 1, 4, 14, 15 and 17 will have been amended. Claims 18 and 19 will be newly added and submitted for consideration by the Examiner. Claims 3, 10-13 and 16 will have been canceled without prejudice or disclaimer of the subject matter and claims 5-9 will be withdrawn from consideration.

Additionally, replacement sheets for Figs. 6 and 9 will have been submitted and various informalities in the specification and Abstract will have been eliminated by amendments thereto.

In view of the hereincontained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections and rejections set forth in the Official Action of February 7, 2007. Such action is respectfully requested and is now believed to be appropriate and proper.

In the outstanding Official Action, the Examiner withdrew claims 5-9 from further consideration in accordance with 37 C.F.R. § 1.42(b) as drawn to a non-elected invention. The Examiner noted that Applicants timely traversed the Restriction Requirement in the response filed on January 8, 2007.

The Examiner discussed Applicants' traverse of the Restriction Requirement and found that the same is not persuasive. Regardless of the Examiner's conclusion, Applicants respectfully submit that a Restriction Requirement is not appropriate in the present application because of the related nature of the features in the claims contained herein. Accordingly, Applicants again respectfully request reconsideration and withdrawal of the Restriction Requirement and an action on the merits of all of the claims pending in the present application, in due course.

Applicants note with appreciation the Examiner's confirmation of Applicants' claim for foreign priority as well as the acknowledgement that a certified copy of the priority document has been received in the present national stage application from the International Bureau in accordance with PCT Rule 17.2(a).

Additionally, Applicants respectfully thank the Examiner for considering the documents cited in the Information Disclosure Statement of November 4, 2005, and for return of the signed and initialed PTO-1449 Form attached to the above-noted Information Disclosure Statement.

In the outstanding Official Action, the Examiner objected to the Abstract because of a language informality. By the present response, Applicants are submitting a substitute Abstract in which the Examiner's noted informality, among others, has been eliminated.

In the outstanding Official Action, the Examiner objected to the disclosure because of a number of enumerated informalities. By the present response, Applicants have eliminated the enumerated as well as other informalities from the specification. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections to the abstract and disclosure of the present application.

In the outstanding Official Action, the Examiner objected to the drawings because of an informality in Fig. 6. By the present response, Applicants have submitted a replacement sheet containing Fig. 6 in which the Examiner's noted informality has been eliminated and a correct reference character has been provided. Applicants are also submitting a replacement sheet containing Fig. 9 in which a minor informality has been eliminated. These changes to the drawings have not introduced prohibited new matter into the present application and, accordingly, entry thereof together with withdrawal of the objection to the drawings is respectfully requested.

In the outstanding Official Action, the Examiner rejected claims 1-4 and 10-17 under 35 U.S.C. § 112, first paragraph. The Examiner asserted that the claims contain subject matter not described in the specification in such a way as to enable one skilled in the art to which it pertains or to which it is most nearly connected, to make and/or use the present invention. Regarding claims 1, 10 and 14, the Examiner asserted that the specification does not disclose "estimated work description by using the data concerned use record". At the conclusion of the rejection, the Examiner requested Applicants to provide at least one working example of the work description and an explanation of how the work description is estimated using the data concerning the use record.

In response, Applicants respectfully direct the Examiner's attention to page 1, last line through page 2, line 12, which sets forth examples of the work description. In particular, the above-noted portion of specification lists a number of different work descriptions such as tightening a very small screw into a small-size product such as a camera, tightening a relatively large-size screw into a large-size product such as a car and self-tapping a male screw into a location where a female screw is not formed while forming the female screw at the same time, as non-limiting examples of work descriptions.

Regarding the Examiner's request regarding how the work description is estimated, Applicants note that a work description is not estimated by using the data concerning the use record. In this regard, the Examiner's attention is respectfully directed to the specification at, *inter alia*, page 17, lines 11-14, wherein it is disclosed that whether the work should be performed by an electric drill driver or by an electric impact driver, for example, is determined in step 33. Nevertheless, by the present response "estimation" has been eliminated from the claims.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection of any of the claims in the present application under 35 U.S.C. § 112, first paragraph.

In the outstanding Official Action, the Examiner rejected claims 1-4 and 10-17 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserted that the claims fail to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner listed a number of terms that did not have proper antecedent basis.

By the present response, each of these enumerated language informalities have been eliminated. In particular, claims 10 and 11 have been canceled while appropriate corrective action has been taken to the limitations of claims 1, 14 and 15. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of any of the claims in the present application under 35 U.S.C. § 112, second paragraph.

In the outstanding Official Action, the Examiner additionally rejected claims 3, 4, 10-13, 16 and 17 under 35 U.S.C. § 101, asserting that the claimed invention is directed to non-statutory subject matter. Without in any manner acquiescing in the propriety of the Examiner's rejection, by the present response, claims 3, 12 and 16 have been canceled without prejudice or disclaimer. Claims 4 and 17 were rejected by virtue of their dependency from claims 3 and 16. However, since claims 3 and 16 have now been canceled and claims 4 and 17 have been amended to depend from claims 1 and 14, Applicants respectfully submit that all the rejections asserted by the Examiner under 35 U.S.C. § 101 have been overcome and/or rendered moot.

In the outstanding Official Action, the Examiner rejected claims 10-13 as directed to functionally descriptive software material or software *per se*. By the present response, Applicants have canceled claims 10-13 without in any manner acquiescing in the propriety of the

Examiner's rejection. Applicants do note the Examiner's suggestion for overcoming this rejection. In this regard, Applicants note newly submitted claims 18 and 19 which are directed to a computer readable medium that stores a program. Accordingly, the newly submitted claims are also not subject to any appropriate rejection under 35 U.S.C. § 101.

In the outstanding Official Action, the Examiner rejected claims 1, 10 and 14 under 35 U.S.C. § 102(b) as being anticipated by MOORE et al. (U.S. Patent No. 4,869,273). Additionally, claims 1, 10 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by BARKER et al. (U.S. Patent No. 6,021,360). Without in any manner acquiescing in the propriety of either of these rejections, Applicants have amended claims 1 and 14 to incorporate features from various of the dependent claims. Accordingly, Applicants submit that certainly, as now amended, each of independent claims 1 and 14 are clearly patentable over either of the references relied upon by the Examiner whether considered under 35 U.S.C. § 102 or even if considered under 35 U.S.C. § 103.

In particular, by the present response, the significant limitations of claim 3 have been incorporated into claims 1 and 14 and each of claims 1 and 14 has further been amended to recite appropriate data (result) being displayed on the display. Accordingly, at least in accordance with the Examiner's indication, these claims are submitted to be allowable.

As noted above, by the present response, Applicants have submitted new claims 18 and 19 for consideration by the Examiner. These claims are submitted to be clearly patentable over the references cited by the Examiner. In particular, these claims are submitted to be both in condition for allowance and in proper form for allowance. In particular, the recitations of claims 18 and 19 are fully and adequately supported in Applicants' disclosure. In particular, claims 18

and 19 are fully and adequately supported by at least Fig. 9 and the description related thereto, in the original disclosure.

Accordingly, Applicants respectfully request reconsideration of each of the objections and rejections, consideration of newly submitted claims 18 and 19 together with an indication of the allowability of all the claims pending herein, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the specification to eliminate the informalities noted by the Examiner and other informalities. Applicants have further amended the drawings to eliminate informalities noted by the Examiner as well as informalities of which they became aware.

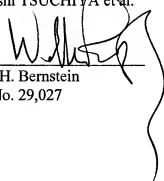
Applicants have amended the claims to clarify the recitations thereof and to amplify the features of Applicants' invention so as to even more clearly enable the present claims to patentably distinguish over the prior art. Applicants have discussed each of the Examiner's rejections and with respect to such rejections have pointed out that, as presently presented, the specification, drawings and claims clearly have overcome each of the rejections asserted by the Examiner. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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